

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CASE NO.:3:13-cv-00628

Civil Action

**ORDER ENTERING SETTLEMENT  
ON BEHALF OF PLAINTIFF  
CARRIE LERNER**

COMMUNITY OPTIONS, INC; JOHN/JANE DOES 1-30 (multiple, alternative, and fictitious individuals and/or business entities), and ABC: BUSINESS ENTITIES 1-10 (multiple, alternative, and fictitious individuals and/or business entities).

Defendants. :  
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THIS MATTER having come before the Court as a result of the attorney for Plaintiffs having reported to the Court that a settlement of Plaintiff Carrie Lerner's claims has been arrived at between the Plaintiffs, Bernard and Amy Lerner, as Guardians for Carrie Lerner, their disabled daughter, and Defendant Community Options, Inc., and the Court having then taken proofs on the record and having approved said settlement;

IT IS on this 18th day of August 2014;

**HEREBY ORDERED** that the Settlement Agreement entered on behalf of Plaintiffs, Amy and Bernard Lerner, as Guardians for Carrie Lerner, in the gross amount of **\$80,000.00** against the aforementioned Defendant, is fair and reasonable and in the best interests of Carrie Lerner; and

**IT IS FURTHER ORDERED** that the settlement funds shall be paid by the Defendants within twenty (20) days of entry of this Order; and

**IT IS FURTHER ORDERED** that deductions from this gross settlement of **\$80,000.00** shall be made as follows:

A. Pursuant to the Settlement Agreement, Plaintiff Carrie Lerner's allocated amount is \$80,000.00. After costs & disbursements and attorney fees are deducted from same, the remaining net balance of **\$58,827.50** shall be made payable to: "*Co-Trustees for the Carrie A. Lerner Special Needs Trust of 2011*", pursuant to the Medicaid Payback Trust Agreement of May 11, 2012; and

B. The total costs in this matter were **\$4,690.02**. One third of that amount, or \$1,563.34, shall be deducted from Carrie Lerner's \$80,000.00 settlement amount. The 25% contingency fee for Plaintiff Carrie Lerner's settlement amounts to **\$19,609.16**. Therefore, a check in the amount of **\$21,172.50** should be made payable to "*Patrick J. Whalen, Attorney at Law, LLC*".

**IT IS FURTHER ORDERED** that Carrie Lerner's settlement funds (\$58,827.50) are to be deposited into the "*Carrie A. Lerner Special Needs Trust of 2011*" by Co-Trustees/Plaintiffs Amy and Bernard Lerner. The disbursement and use of those settlement funds shall and will be governed by the terms of that Special Needs Trust Agreement, as approved by the Honorable Mary C. Jacobson, J.S.C. on February 27, 2012; and

**IT IS FURTHER ORDERED** that this agreement and order between the parties resolves all claims against Community Options, Inc. which exist or may have existed on behalf of Plaintiff Carrie Lerner; and

**IT IS FURTHER ORDERED** that, in accordance with the New Jersey Court Rule 4:44-3, the Court determines that the settlement memorialized in the Release marked as Exhibit "B" to the Certification of Patrick J. Whalen, which includes the payment of that settlement amount of \$80,000.00 to Plaintiff Carrie Lerner, is fair and reasonable in its amount and its terms and, accordingly, is approved by the Court.



Hon. Lois H. Goodman, U.S.M.J.